

IN THE UNITED STATES DISTRICT COURT

FILED  
U.S. DISTRICT COURT  
AUGUSTA DIV.

FOR THE SOUTHERN DISTRICT OF GEORGIA 2013 MAY 17 AM 10:11

AUGUSTA DIVISION

CLERK QEK  
SO. DIST. OF GA.

SEAN ROBERT BUSSARD,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CV 113-035
	)	
RICHARD ROUNDTREE, Sheriff, et al.,	)	
	)	
Defendants.	)	

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**MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

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Plaintiff Sean Robert Bussard, an inmate at the Charles B. Webster Detention Center in Augusta, Georgia, commenced the above-captioned civil rights case *pro se* and requested permission to proceed *in forma pauperis* ("IFP"). On March 7, 2013, the Court directed Plaintiff to return his Prisoner Trust Fund Account Statement and Consent to Collection of Fees forms within thirty (30) days and advised Plaintiff that all prisoners, even those proceeding IFP, must pay the filing fee of \$350.00 in full. 28 U.S.C. § 1915(b)(1). Plaintiff was cautioned that failure to respond would be an election to have this case voluntarily dismissed without prejudice. (See doc. no. 4.) Plaintiff failed to respond.

On April 18, 2013, the Court granted Plaintiff fourteen (14) additional days to comply with the terms of the Court's March 7th Order. (See doc. no. 7.) Once again, Plaintiff was warned that his failure to comply in a timely fashion with the Court's Order would result in a recommendation that his case be dismissed. The time to respond has passed, and Plaintiff

has not submitted all of the documents required by the Court's March 7th Order, nor has he provided the Court with any explanation why he has not complied.

Plaintiff cannot proceed IFP unless he submits the requisite Trust Fund Account Statement and consents to the collection of the entire \$350.00 filing fee in installments. Wilson v. Sargent, 313 F.3d 1315, 1319, 1321 (11th Cir. 2002) (*per curiam*) (citing 28 U.S.C. § 1915).<sup>1</sup> Plaintiff has been warned repeatedly that failing to return the necessary IFP papers would be an election to have his case voluntarily dismissed. As Plaintiff has neither fulfilled the requirements for proceeding IFP, nor paid the filing fee, the Court **REPORTS** and **RECOMMENDS** that this case be **DISMISSED**, without prejudice.

SO REPORTED and RECOMMENDED this 17th day of May, 2013, at Augusta, Georgia.

  
\_\_\_\_\_  
W. LEON BARFIELD  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup>Although the Clerk's Office received Plaintiff's Prisoner Trust Fund Account Statement on April 24, 2013 (doc. no. 6), he has failed to provide his Consent to Collection of Fees form or any explanation as to why he has not done so. Accordingly, his case is subject to dismissal on that basis, as that form is required to proceed IFP. See Wilson, 313 F.3d at 1319.